

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD SURABIAN ET AL.,

Appellants,

- against -

IRVING H. PICARD,

Appellee.

13 Civ. 0935 (JGK)

MEMORANDUM OPINION
AND ORDER

JOHN G. KOELTL, District Judge:

Appellants Richard and Steven Surabian have moved for leave to proceed *in forma pauperis* on appeal. "The decision of whether to grant a request to proceed *in forma pauperis* is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citations and internal quotation marks omitted). The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context). Here, the appellants have failed to demonstrate that their claims have any merit. Accordingly, the appellants' application to proceed in

forma pauperis is **denied**, without prejudice to their ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445. The Clerk is directed to **close Docket Nos. 39 and 40**.

SO ORDERED.

**Dated: New York, New York
April 29, 2014**

_____/s/_____
John G. Koeltl
United States District Judge